IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-11-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.11303 of 1999

1.P.Palanisamy
2.N.K.R.Velmurugan .. Petitioners.

Versus

The District Revenue Officer,
Coimbatore. .. Respondent.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorari calling for the entire records relating to Na.Ka.No.851/99-K3, dated nil 3/99, impugned order passed by the respondent herein and quash the same.

For petitioners : Mr.C.Prakasam
For respondent : Mr.R.Jothimanian
Government Advocate

O R D E R

Heard Mr.C.Prakasam, the learned counsel appearing for the petitioners and Mr.R.Jothimanian , the learned Government Advocate appearing for the respondent.

2. It is submitted by the learned counsel appearing for the petitioners that 140 bags of paddy, which were being transported from Dharapuram to the 2nd petitioner's Rice Mill situated at Vedachandur, Angalakurichi, Pollachi Taluk, had been seized by the respondent, alleging that the paddy was not covered by the Cess permit issued by the Market Committee.

3. The main contention of the learned counsel appearing for the petitioners is that as per the Tamil Nadu Agricultural Market Committee Act, the Licenced Dealer is to pay the Cess only after the paddy reaches the place or premises of business and that it is not necessary that the Cess permit be carried along with the goods in transit. It has also been submitted that the respondent had conducted an enquiry without issuing a notice to the 2nd petitioner as required under law.

4. It is submitted by the learned counsel appearing on behalf of the respondent that as against the impugned order passed by the respondent, a

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statutory appeal is available to the petitioner, under Section 6-C of the Essential Commodities Act, 1955. Section 6-C of the Essential Commodities Act, 1955, reads as follows:

> 6-C.Appeal.- (1) Any person aggrieved by an order of confiscation under Section 6-A may, within one month from the date of the communication to him of such order, appeal to the State Government concerned and the State Government shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.
>
> (2) Where an order under Section 6-A is modified or annulled by the State Government, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under Section 6-A, the person concerned is acquitted, and in either case it is not possible for any reason to return the essential commodity seized, such persons shall, except as provided by sub-section (3) of section 6-A, be paid the price therefor as if the essential commodity had been sold to the Government with reasonable interest calculated from the day of the seizure of the essential commodity and such price shall be determined -
>
> (i) in the case of food grains, edible oilseeds or edible oils, in accordance with the provisions of sub-section (3-B) of section 3;
>
> (ii) in the case of sugar, in accordance with the provisions of sub-section (3-C) of section3 ; and
>
> (iii) in the case of any other essential commodity, in accordance with the provisions of sub-section (3) of section 3.

5. However, the learned counsel appearing for the petitioners had submitted that at the time of the filing of the writ petition, the appellate authority had not been designated, as provided under the Act. Therefore, the petitioners have come before this Court, by way of filing the present writ petition, under Article 226 of the Constitution of India. It is also submitted that at present the District Court, Pudukkottai, has been designated as the appellate forum, under Section 6-C of the Essential Commodities Act, 1955, to hear and decide the appeals.

6. Considering the facts and circumstances of the case, the petitioners are granted liberty to file an appeal before the designated appellate authority, as provided under the law, within a period of four weeks from the date of receipt of a copy of this order. On such appeal being filed, the appellate authority is expected to dispose of the same expeditiously.

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The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The District Revenue Officer,
Coimbatore.

2. The District Judge[Appellate Authority],
Pudukkottai.

+ 1 CC to the Government Pleader SR NO 67743

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